HON'BLE SHRI G.S. SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE C.V.NAGARJUNA REDDY

WRIT APPEAL No. 350 of 2007

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Between:

M/s Lung Fung Bar & Restaurant
Secunderabad

... Appellant

And

The A.P. Housing Board,
Hyderabad & another

....Respondents.

:: J U D G M E N T ::

Counsel for the appellant : Shri V. Srinivas

26.04.2007

Per G.S. SINGHVI, CJ

This appeal is directed against order dated 19.02.2007 passed by the learned Single Judge in Writ Petition No.2914 of 2007, whereby he rejected the appellant's challenge to orders dated 14.07.2006 and 30.11.2006 passed by the competent authority of the Andhra Pradesh Housing Board (for short, 'the Board') and the Appellate Authority-cum-III Additional Chief Judge, City Civil Court, Hyderabad in the matter of its eviction from housing board tenement situated at S.P. Road, Hyderabad.

After arguing the case at considerable length and finding that the Court is not inclined to entertain the appeal, Shri V. Srinivas, learned counsel for the appellant made a request that his client may be permitted to withdraw the appeal and given one month's time to vacate the tenement.

Shri D. Ranganath Kumar, learned counsel for respondent No.1 says that he does not have any objection.

Hence, the appeal is dismissed as withdrawn. The appellant is allowed one month's time commencing from 01.05.2007 for handing over vacant possession of the premises to the competent authority of the Board. This would be subject to the following conditions:

(1) within seven days from today, the representative of the appellant shall furnish a written

undertaking to the competent authority that he will handover vacant possession of the site on or before 31.05.2007 and pay a sum equivalent to monthly rent by way of damages for use and occupation of the premises from 1st May to 31st May, 2007, and

(2) if the appellant fails to give undertaking in terms of the above clause or hand over vacant possession of the premises to the competent authority, then the latter shall be entitled to secure possession by use of force. For this purpose, the concerned authority may take help of the police authorities.

As a sequel to dismissal of the writ appeal as withdrawn, W.A.M.P.No.661 of 2007 filed by the appellant for interim relief is disposed of as infructuous.

While disposing of the appeal in the manner indicated above, we deem it proper to make it clear that this order will not preclude the Board from taking all legally permissible measures for recovery of the arrears of rent and/or damages for use and occupation of the premises by the appellant for the earlier period.

G.S.SINGHVI, CJ

C.V.NAGARJUNA REDDY, J

26.04.2007
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